



The Voice of Rural & Regional Carriers

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November 10, 2010

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: RM-11592
WT Docket No. 06-150; WT Docket No. 05-265; WT Docket No. 10-208
WC Docket No. 10-90
PS Docket No. 06-229
GN Docket No. 09-51

Dear Ms. Dortch:

On November 8, 2010, Steven K. Berry, President and CEO of the Rural Cellular Association (RCA), Tim Donovan, RCA's Director of Legislative Affairs, and the undersigned met with Rick Kaplan to discuss the lack of interoperability in the 700 MHz spectrum, the FCC's progress on a data roaming mandate, and the impact of Mobility Fund on rural and regional carriers.

RCA once again urged the FCC to immediately release a Notice of Proposed Rulemaking examining the competitive and economic impact on rural and regional carriers due to the lack of an interoperability standard in the 700 MHz band. Interoperability throughout the 700 MHz band is crucial for both public safety and consumers to reap the economic benefits of roaming and access to the latest handsets. Device flexibility and interoperability in the 700 MHz band will allow all operators and consumers to enjoy economies of scale, will increase handset competition while decreasing costs, and will improve service, especially in rural areas, with greater coverage and seamless roaming. Lack of interoperability in the 700 MHz band will impose significant costs and burdens upon A Block licensees, which will competitively disadvantage smaller and regional carriers, public safety and consumers. While the Verizon LTE in Rural America Partnership Program is not the desired approach for most RCA members, without interoperability, rural carriers may agree to partner with Verizon in order to gain access to equipment and devices necessary to bring 4G LTE to rural America.

RCA continues to encourage the FCC to clean up the 700 MHz spectrum by ceasing to license channel 51 for broadcast service. With Qualcomm's announcement that it will shut down its mobile broadcast FLO TV in channels 55 and 56, RCA urged the FCC to take advantage of this unique opportunity to maximize the nation's spectrum resources by limiting potential interference concerns regarding the deployment of mobile broadband.

In addition to interoperability, RCA described how its members have limited options to obtain nationwide data roaming, but their customers still expect nationwide coverage and comparable services to their urban counterparts. Larger carriers are blocking rural and regional carriers from obtaining data roaming with reasonable terms and conditions because there is no regulatory mandate. This problem is exacerbated by consolidation in the wireless market which has eliminated many potential roaming partners. Voluntary data roaming is not enough. RCA encouraged the FCC to immediately mandate automatic data roaming, as recommended in the National Broadband Plan.

Finally, RCA expressed its concerns with the proposed Mobility Fund to provide one-time funding, awarded using a market-based mechanism, for certain states that lack 3G coverage. RCA explained that the FCC's proposal will undermine the success of the Mobility Fund because it does not adequately support operating expenses and because it does not fund 4G networks. Additionally, the current proposal disadvantages RCA members that have already spent significant funds developing 3G networks in rural, high-cost and underserved areas. RCA also discussed the inherent harms of market-based mechanisms or reverse auctions to distribute universal service support. Reverse auctions encourage anti-competitive conduct and anti-competitive incentives to participate, including blocking support to competitors or off-setting contributions.

Regarding broader USF reform, RCA advocated that any USF reform must be competitively and technologically neutral so as not to favor or disadvantage any class of funding recipients or any type of technology used to provide services in rural and high-cost areas. Also, USF reform must be equitable and any phase down of support must have equal transitions for wireline and wireless carriers. To advance competitive and technology neutrality, RCA proposes a 10-year equal phase down for both ETCs and CETCs with no flash cuts.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules.

Sincerely,

/s/

Rebecca Murphy Thompson
General Counsel

cc: Mr. Rick Kaplan